

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5802

1 James F. Hurst (*Admitted Pro Hac Vice*)  
 2 David J. Doyle (*Admitted Pro Hac Vice*)  
 3 Samuel S. Park (*Admitted Pro Hac Vice*)  
 4 Stephanie S. McCallum (*Admitted Pro Hac Vice*)  
 5 WINSTON & STRAWN LLP  
 6 35 W. Wacker Drive  
 7 Chicago, IL 60601-9703  
 Telephone: 312-558-5600  
 Facsimile: 312-558-5700  
 Email: jhurst@winston.com;  
 ddoyle@winston.com;  
 spark@winston.com; smccallum@winston.com

Jeffrey I. Weinberger (SBN 56214)  
 David M. Rosenzweig (SBN 176272)  
 Grant A. Davis-Denny (SBN 229335)  
 MUNGER, TOLLES & OLSON LLP  
 355 Grand Avenue  
 Los Angeles, CA 90071-1560  
 Telephone: (213) 683-9100  
 Facsimile: (213) 687-3702  
 Email: jeffrey.weinberger@mto.com;  
 david.rosenzweig@mto.com;  
 grant.davis-denny@mto.com

8 Nicole M. Norris (SBN 222785)  
 9 WINSTON & STRAWN LLP  
 10 101 California Street, Suite 3900  
 San Francisco, CA 94111-5894  
 Telephone: 415-591-1000  
 Facsimile: 415-591-1400  
 Email: nnorris@winston.com

Michelle Friedland (SBN 234124)  
 MUNGER, TOLLES & OLSON LLP  
 560 Mission Street, 27<sup>th</sup> Floor  
 San Francisco, CA 94105-2907  
 Telephone: (415) 512-4000  
 Facsimile: (415) 512-4077  
 Email: michelle.friedland@mto.com

11 Charles B. Klein (*Admitted Pro Hac Vice*)  
 12 Mathew A. Campbell (*Admitted Pro Hac Vice*)  
 13 WINSTON & STRAWN LLP  
 14 1700 K Street, N.W.  
 Washington, D.C. 20007  
 Telephone: 202-282-5000  
 Facsimile: 202-282-5100  
 Email: cklein@winston.com

Attorneys for Defendant  
 ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**OAKLAND DIVISION**

19 SAFEWAY INC., <i>et al.</i>	) Case No. C07-5470 (CW)
20 Plaintiffs,	) Related per November 19, 2007 Order to
21 v.	) Case No. C04-1511 (CW)
22 ABBOTT LABORATORIES,	) <b>STIPULATION RE DEPOSITION OF</b>
23 Defendant.	) <b>TRIAL WITNESSES NOT DEPOSED AND</b>
	) <b>EXPERT DEMONSTRATIVES</b>
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26 *(Caption continued on next page.)*

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1	SMITHKLINE BEECHAM CORPORATION )	Case No. C07-5702 (CW)
2	d/b/a GLAXOSMITHKLINE, )	(Consolidated Cases)
3	Plaintiff, )	
4	v. )	Related per November 19, 2007 Order to
5	ABBOTT LABORATORIES, )	Case No. C04-1511 (CW)
6	Defendant. )	
7	)	
8	)	
9	)	
10	MEIJER, INC. & MEIJER DISTRIBUTION, )	Case No. C07-5985 (CW)
11	INC., <i>et al.</i> , )	(Consolidated Cases)
12	Plaintiffs, )	
13	v. )	Related per November 30, 2007 Order to
14	ABBOTT LABORATORIES, )	Case No. C04-1511 (CW)
15	Defendant. )	
16	)	
17	)	
18	RITE AID CORPORATION, <i>et al.</i> , )	Case No. 07-6120 (CW)
19	Plaintiffs, )	
20	v. )	Related per December 5, 2007 Order to
21	ABBOTT LABORATORIES, )	Case No. C04-1511 (CW)
22	Defendant. )	
23	)	
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25	)	

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28 STIPULATION RE DEPOSITION OF TRIAL WITNESSES NOT DEPOSED AND EXPERT DEMONSTRATIVES

CASE NOS. C07-5470, C07-5702, C07-5985, C07-6012 (CW)

WHEREAS, the parties are engaged in discovery in the consolidated cases of *Safeway, et al., v. Abbott Laboratories* (No. 07-5470), *Smithkline Beecham Corp. d/b/a Glaxosmithkline v. Abbott Laboratories* (No. 07-5702), *Meijer, Inc. & Meijer Distribution, Inc., et al. v. Abbott Laboratories* (No. 07-5985), and *Rite Aid Corp., et al., v. Abbott Laboratories* (No. 07-6120);

WHEREAS, the parties have cooperated with one another to narrow the scope of fact and expert discovery in these cases;

WHEREAS, during fact discovery, the parties identified those witnesses disclosed in discovery responses who are likely to be deposed at trial and focused deposition discovery on these witnesses to avoid taking unnecessary depositions; and

WHEREAS, during expert discovery, the parties agreed to reserve for a later date the exchange of expert demonstrative exhibits.

**IT IS HEREBY STIPULATED AND AGREED:**

1. If any party includes a witness on a trial witness list (due under the current schedule on January 25, 2011), who was not previously deposed in these cases, that witness will be made available for five hours of deposition testimony within one week of the disclosure (or some other date if agreed by all parties), even though the fact discovery cutoff has passed.

2. Demonstrative exhibits to be used with experts during trial shall be disclosed pursuant to the demonstrative exhibits deadline in Judge Wilken's standing orders (due under the current schedule on January 28, 2011), or by further written agreement of the parties. The parties reserve the right to challenge expert demonstrative exhibits on grounds unrelated to this stipulation – including the ground that the subject matter of a demonstrative exhibit was not adequately disclosed in the expert reports.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

2 /s/ Scott E. Perwin

3  
4 Scott E. Perwin  
5 KENNY NACHWALTER, PA  
6 1100 Miami Center  
7 201 South Biscayne Blvd.  
8 Miami FL 33131

9 *Attorneys for Safeway, Inc.*

10 /s/ John D. Radice

11 John D. Radice  
12 KAPLAN FOX & KILSHEIMER LLP  
13 850 Third Avenue  
14 New York, NY 10011

15 *Co-Lead Counsel for the Direct  
16 Purchaser Class*

17 /s/ Joseph Opper

18 Bruce Gerstein  
19 Joseph Opper  
20 GARWIN GERSTEIN & FISHER LLP  
21 1501 Broadway, Suite 1416  
22 New York, NY 10036

23 *Co-Lead Counsel for the Direct  
24 Purchaser Class*

25 /s/ Trevor V. Stockinger

26 Trevor V. Stockinger  
27 IRELL & MANELLA  
28 1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276

29 *Counsel for GSK*

30 /s/ W. Ross Foote

31 W. Ross Foote  
32 SMITH FOOTE LLP  
33 720 Murray Street  
34 P.O. Box 1632  
35 Alexandria, LA 71309

36 *Direct Purchaser Class  
37 Executive Committee*

38 /s/ Stephanie S. McCallum

39 Stephanie S. McCallum  
40 WINSTON & STRAWN LLP  
41 35 West Wacker Drive  
42 Chicago, IL 60601

43 *Attorneys for Defendant Abbott  
44 Laboratories*

45 /s/ Daniel C. Simons

46 Eric L. Cramer  
47 Daniel C. Simons  
48 BERGER & MONTAGUE, P.C.  
49 1622 Locust Street  
50 Philadelphia, PA 19103-6305

51 *Co-Lead Counsel for the Direct  
52 Purchaser Class*

53 /s/ Stuart E. DesRoches

54 Stuart E. DesRoches  
55 ODOM & DES ROCHES LLP  
56 650 Poydras Street  
57 New Orleans, LA 70130

58 *Direct Purchaser Class  
59 Executive Committee*

60 /s/ Monica L. Rebuck

61 Monica L. Rebuck  
62 HANGLEY ARONCHICK SEGAL &  
63 PUDLIN  
64 30 N. Third Street, Suite 700  
65 Harrisburg, PA 17101  
66 *Attorneys for the Rite Aid Plaintiffs*

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2  
**PURSUANT TO STIPULATION, IT IS SO ORDERED**  
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4 Dated: \_\_\_\_\_  
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Judge Claudia Wilken  
United States District Court  
Northern District of California  
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# **GENERAL ORDER 45 ATTESTATION**

I, Stephanie S. McCallum, am the ECF User whose ID and password was used to file this STIPULATION RE DEPOSITION OF TRIAL WITNESSES NOT DEPOSED AND EXPERT DEMONSTRATIVES. In compliance with General Order 45, X.B., I hereby attest that the above counsel, counsel for Plaintiffs, concurred in this filing.

Dated: March 22, 2010

/s/ Stephanie S. McCallum

Stephanie S. McCallum  
WINSTON & STRAWN LLP  
Counsel for Defendant

**Winston & Strawn LLP**  
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